

**REMARKS**

Applicant has carefully studied the Office Action of August 15, 2005 and offers the following remarks to accompany the above amendments.

Applicant herein amends claims 1 and 21 to include the subject matter of claims 12 and 32 respectively. Claims 12 and 32 are canceled as redundant in light thereof. Claims 13-15 and claims 33-35 are amended to change dependencies in light of the cancellation of claims 12 and 32. No new matter is added. Claims 5 and 25 are amended to clarify antecedent basis issues. No new matter is added.

Claims 1-11, 16-31, and 36-40 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gallant. The amendment to claims 1 and 21 to include the subject matter of claims 12 and 32 make this rejection moot. However, Applicant addresses claims 17 and 37 separately because these claims have independent reasons why the claims are not anticipated. For the Patent Office to prove anticipation, the Patent Office must show where each and every element of the claim is located in the reference. Furthermore, the elements of the reference must be arranged as claimed. MPEP § 2131.

Claims 17 and 37 both recite that blocking criteria are configured to block calls to telephony addresses meeting defined wildcard criteria. The Patent Office asserts that Gallant shows this element in paragraph 0014. Applicant respectfully traverses this assertion. Gallant paragraph 0014 states in full:

[0014] In accordance with an aspect of the present invention, a technique for call forwarding conditioned on call screening is provided wherein the originating and terminating parties, as well as screening criteria, may be specified using a variety of address types, including but not limited to IP addresses, uniform resource locators, universal resource identifiers, public telephone numbers, private telephone numbers, or any form of character string in a computing system. In servicing a given communications request, a communications system embodying the present invention may concurrently handle any or all of these address types.

Applicant has studied this passage and sees no reference to any wildcard that contributes to origination call screening. Even if there is something within the passage that can be construed to be a wildcard contributing to blocking criteria, the passage is directed to call forwarding conditioned on call screening (CFOCS). CFOCS is a termination routine, not an origination routine. Thus, events that occur relative to CFOCS have no bearing on the origination call screening of Applicant's claims. Thus, even if the reference teaches wildcard criteria (a point

which Applicant does not concede), the reference does not apply such teachings to origination call screening as recited in the claims. Since the reference does not teach the element, the reference does not anticipate the claims. Alternatively, if the reference does teach the element, the elements of the reference are not arranged as claimed. Either way, the reference does not anticipate the claims. Applicant requests withdrawal of the rejection of claims 17 and 37 on this basis.

Claims 12-15 and 32-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gallant. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every element is taught or suggested in the prior art. MPEP § 2143.03. If a single reference does not teach or suggest all the claim elements, but a modification to the reference would establish obviousness, the Patent Office must prove that there is a suggestion to modify the reference. To prove that a reference can be modified in this manner, the Patent Office must do two things. First, the Patent Office must state a motivation to modify the reference, and second, the Patent Office must support the motivation with actual evidence. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000).

Amended claims 1 and 21 correspond to original claims 12 and 32, so the amended claims are addressed with respect to the original rejection of claims 12 and 32.

The Patent Office admits that Gallant alone does not teach that blocking criteria are configured to block calls based on financial authorization. The Patent Office initially asserts that these limitations are well known in the art by taking Official Notice of these elements. Applicant respectfully traverses the assertion that blocking criteria based on financial authorization are well known. Applicant is unaware of any blocking criteria based on financial authorization. To Applicant's knowledge, at the time of filing, the only known way to block calls were based on 900 numbers; long distance calls; or international calls (see paragraph 0003 of the specification as filed). These criteria are not financial authorization. Applicant thus requests that the Patent Office substantiate its assertion that blocking criteria based on financial authorization is well known. In the absence of such evidence, the taking of Official Notice is improper, and the rejection based on the Official Notice is improper. Since the rejection is improper, the amended claims are allowable. Applicant requests withdrawal of the § 103 rejection of the claims on this basis.

Applicant further traverses the modification to Gallant. Even if financial authorization-based blocking criteria are known, there is no evidence to support the modification of Gallant to include such. Specifically, the Patent Office's asserted motivation is "to improve the call screen service." (Office Action of August 15, 2005, page 7, line 4). This asserted motivation lacks the evidence that the Federal Circuit requires. Since the motivation to modify Gallant lacks the required evidence, the motivation is improper. Since the motivation is improper, the modification is improper. Since the modification is improper, the rejection is improper. Since the rejection is improper, the claims are allowable. Applicant requests withdrawal of the § 103 rejection on this basis, as well.

Applicant respectfully requests reconsideration of the rejections in light of the remarks presented herein. The Patent Office is improperly modifying the reference. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By: 

Benjamin S. Withrow Esq.

Registration No. 40,876

P.O. Box 1287

Cary, NC 27512

Telephone: (919) 654-4520

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